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10 Attorneys for Defendant and Counterclaimant  
LIBERTY MUTUAL FIRE INSURANCE COMPANY

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 LARGO CONCRETE, INC., a California  
14 Corporation; N.M.N. CONSTRUCTION,  
15 INC., a California Corporation,

16 Plaintiffs,

17 v.

18 LIBERTY MUTUAL FIRE INSURANCE  
COMPANY, a Massachusetts Corporation,  
19 and DOES 1 through 100, inclusive.

20 Defendants.

21 AND RELATED COUNTERCLAIM

Case No. C07-04651 CRB (ADR)

Hon. Charles R. Breyer  
[Complaint Filed: September 10, 2007]

**DECLARATION OF FRANK  
FALZETTA FILED IN SUPPORT OF  
STIPULATION AND [PROPOSED]  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE AND  
RELATED DEADLINES**

22 **DECLARATION OF FRANK FALZETTA**

23 I, Frank Falzetta, declare as follows:

24  
25 1. I am an attorney duly admitted to practice before this Court. I am  
26 partner with Sheppard, Mullin, Richter & Hampton LLP, attorneys of record for defendant  
27 and counterclaimant Liberty Mutual Fire Insurance Company ("Liberty Mutual"). I have  
28

1 personal knowledge of the facts set forth below and, if called and sworn as a witness, could  
2 and would testify competently thereto.

3  
4 2. On October 23, 2007, Liberty Mutual filed a Motion to Disqualify  
5 Roxborough, Pomerance & Nye (the "Roxborough firm") from representing plaintiff  
6 Largo Concrete, Inc. and plaintiff and counterdefendant N.M.N. Construction, Inc.  
7 (collectively "Plaintiffs") in this matter.

8  
9 3. Liberty Mutual's Motion to Disqualify the Roxborough firm is  
10 currently set for hearing before this Court on December 21, 2007. December 21, 2007 is  
11 also the last day for the parties to meet and confer regarding their initial disclosures, early  
12 settlement, ADR process selection, and discovery plan, and file a Joint ADR Certification.

13  
14 4. January 4, 2008 is the last day for the parties to file their Rule 26(f)  
15 Report, complete initial disclosures, and file a Case Management Statement. Also, the  
16 Court has set an Initial Case Management Conference ("CMC") to occur at 8:30 a.m. on  
17 January 11, 2008.

18  
19 Dated: December 19, 2007

20 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

21  
22 By



FRANK FALZETTA

Attorneys for Defendant and Counterclaimant  
LIBERTY MUTUAL FIRE INSURANCE COMPANY